

# EXHIBIT A

Approved, SCAO

Original - Court  
1st copy - Defendant2nd copy - Plaintiff  
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT 31ST JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS AND COMPLAINT	CASE NO. 09- 09- K 09001737 < 2
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Court address

201 MC MORRAN BLVD., PORT HURON MI 48060

Court telephone no.

(810) 985-2200

Plaintiff name(s), address(es), and telephone no(s).

Patrick Muneio &amp; Terry Muneio

v

Defendant name(s), address(es), and telephone no(s).

Federal National Mortgage Assoc

1 S Wacker Drive  
Chicago, IL 60606-4614

Plaintiff attorney, bar no., address, and telephone no.

Steven A. Heisler

P-58289

363 South Water Street  
Marine City, MI 48039

(810) 765-3000

**SUMMONS** NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued 6-29-09	This summons expires 9/1/09	Court clerk MARILYN DUNN
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\*This summons is invalid unless served on or before its expiration date.

**COMPLAINT** Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.**Family Division Cases**☒ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in \_\_\_\_\_ Court.The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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**General Civil Cases**☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint/☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in 72ND DISTRICT COURT Court.The action ☒ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no. 09P04761SP	Judge	Bar no.
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**VENUE**

Plaintiff(s) residence (include city, township, or village)

Kenockee

Defendant(s) residence (include city, township, or village)

See Complaint

Place where action arose or business conducted

St. Clair County

06/29/2009

Date

Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.

MC 01 (6/03) SUMMONS AND COMPLAINT MCR 2.102(B)(11), MCR 2.104, MCR 2.105, MCR 2.107, MCR 2.113(C)(2)(a), (b), MCR 3.206(A)

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STATE OF MICHIGAN JUDICIAL DISTRICT 31ST JUDICIAL CIRCUIT COUNTY PROBATE		SUMMONS AND COMPLAINT	CASE NO. 09- 09- <b>K 09001737 C2</b>
Court address 201 MC MORRAN BLVD., PORT HURON MI 48060		Court telephone no. (810) 985-2200	
Plaintiff name(s), address(es), and telephone no(s). Patrick Muneio & Terry Muneio		Defendant name(s), address(es), and telephone no(s). Chase Manhattan Mortgage Company 3415 Vision Drive Columbus, OH 43219	
Plaintiff attorney, bar no., address, and telephone no. Steven A. Heisler P-58289 363 South Water Street Marine City, MI 48039 (810) 765-3000		Chase Home Finance, LLC 3415 Vision Drive Columbus, OH 43219	

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Place where action arose or business conducted St. Clair County	

06/29/2009

Date

Signature of attorney/plaintiff

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STATE OF MICHIGAN JUDICIAL DISTRICT 31ST JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS AND COMPLAINT	CASE NO. 09- <b>K 09001737</b> 09- <b>22</b>
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Court address

201 MC MORRAN BLVD., PORT HURON MI 48060

Court telephone no.

(810) 985-2200

Plaintiff name(s), address(es), and telephone no(s).

Patrick Muneio &amp; Terry Muneio

Defendant name(s), address(es), and telephone no(s).

Wachovia Corporation

1100 Corporation Center  
Raleigh, NC 27607

Plaintiff attorney, bar no., address, and telephone no.

Steven A. Heisler

P-58289

First Union Corporation

1100 Corporation Center  
Raleigh, NC 27607363 South Water Street  
Marine City, MI 48039

(810) 765-3000

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Issued <b>6-29-09</b>	This summons expires <b>91 DAYS</b>	Court clerk <b>MARILYN DUNE</b>
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Plaintiff(s) residence (include city, township, or village) <b>Kenockee</b>	Defendant(s) residence (include city, township, or village) <b>See Complaint</b>
Place where action arose or business conducted <b>St. Clair County</b>	

06/29/2009

Date

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STATE OF MICHIGAN

JUDICIAL DISTRICT

31ST JUDICIAL CIRCUIT

COUNTY PROBATE

## SUMMONS AND COMPLAINT

CASE NO.

09-

09-

K 09001737 c2

Court address

201 MC MORRAN BLVD., PORT HURON MI 48060

Court telephone no.

(810) 985-2200

Plaintiff name(s), address(es), and telephone no(s).

Patrick Muneio &amp; Terry Muneio

v

Defendant name(s), address(es), and telephone no(s).

G. M Mortgage Corporation

12315 14 Mile Road, Suite A  
Sterling Heights, MI 48312

Plaintiff attorney, bar no., address, and telephone no.

Steven A. Heisler

P-58289

363 South Water Street  
Marine City, MI 48039

(810) 765-3000

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Court clerk

MARILYN DU

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Judge

Bar no.

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Defendant(s) residence (include city, township, or village)

See Complaint

Place where action arose or business conducted

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STATE OF MICHIGAN

IN THE 31<sup>ST</sup> CIRCUIT COURT FOR THE COUNTY OF ST. CLAIR

*Patrick Muneio,*  
*Terri Muneio,*  
*Plaintiff,*

Case No.: K 09001737 c2

-v-

*Federal National Mortgage Assoc.*  
*Chase Manhattan Mortgage Company,*  
*Chase Home Finance, LLC,*  
*Wachovia Corporation,*  
*First Union Corporation,*  
*G. M Mortgage Corporation,*  
*Defendants,*

RECEIVED  
MARILYN DUNN  
2009 JUN 29  
FILED  
ST. CLAIR CIR.

Steven A. Heisler P-58289  
Law Offices of Steven A. Heisler, Esq.  
Attorneys for the Plaintiffs  
363 South Water Street  
Marine City, MI 48039  
810.982.0000 (O)

Federal National Mortgage Association  
Defendant  
1 S Wacker Drive  
Chicago, IL 60606-4614  
312.368.6200 (O)

Chase Manhattan Mortgage Company  
Defendant  
3415 Vision Drive  
Columbus, OH 43219  
800.848.9136 (O)

Chase Home Finance, LLC  
Defendant  
3415 Vision Drive  
Columbus, OH 43219  
800.848.9380 (O)

Wachovia Corporation  
Defendant  
1100 Corporation Center  
Raleigh, NC 27607

First Union Corporation  
Defendant  
1100 Corporation Center  
Raleigh, NC 27607

G. M Mortgage Corporation  
Defendant  
12315 14 Mile Road, Suite A  
Sterling Heights, MI 48312  
586.939.6444 (O)

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810.765.3000



**VERIFIED COMPLAINT**

***NOW COMES***, Plaintiffs, by and through their attorneys, the Law Offices of Steven A. Heisler, Esq., and says as follows:

**QUIET TITLE & GENERAL ALLEGATIONS ~ COUNT I**

1. This action involves real property located in the township of Kenockee, County of St. Clair, State of Michigan, more specifically described as:

PARCEL N: Commencing at the Southeast corner of Section 7, Town 7 North, Range 15 East; thence North 00 degrees 04 minutes 06 seconds East 423.87 feet along the East line of said Section 7 to the point of beginning; thence continuing North 00 degrees 04 minutes 06 seconds East 300.00 feet along the East line of said Section 7; thence North 89 degrees 55 minutes 54 seconds West 762.00 feet thence South 00 degrees 04 minutes 06 seconds West 300.00 feet; thence South 89 degrees 55 minutes 54 seconds East 762.00 feet to the point of beginning

Commonly known as 5055 Bricker Road, Parcel "N"

2. This court has jurisdiction pursuant to MCLA 600.2932.
3. A Defendant has file eviction proceedings.
4. Plaintiff's, by and through prior counsel, have informed several Defendants of several federal and state law violations that effect the Plaintiff's mortgage regarding the subject property requesting confirming information
5. Defendants served with notice of said violations have failed to provide additional information
6. One or more Defendants have engaged in the act of foreclosing on said property in an attempt to take away property rights of the Plaintiffs
7. The property was purchased at auction by the Defendant holding the mortgage

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8. One or more Defendants have engaged in the act of selling said property to Defendant Federal National Mortgage Association for one dollar
9. The one dollar purchase is a token and not a bona fide purchaser
10. Federal National Mortgage Association has filed eviction proceedings in the 72<sup>nd</sup> District Court
11. Said sales were not proper because the Plaintiffs were not in default of their mortgage
12. The sale of a person's home by a mortgage company when the home owner is not in default is a form of conversion of said property
13. All Defendants other than the original mortgage company are or were assignees of said mortgage on the subject property

**FRAUD ~ COUNT II**

14. Plaintiffs hereby incorporates all prior paragraphs above as if fully set forth herein
15. One or more of the Defendants committed fraud upon the Plaintiffs' because Plaintiffs were promised a 6.425 fixed-rate of interest. At closing the got 7.625% interest rate
16. One or more of the Defendants committed fraud upon the Plaintiffs' because Plaintiffs' income was fraudulently stated at \$5,000.00 without Plaintiff's knowledge or authorization

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TILA / RESPA ~ COUNT III

17. Plaintiffs hereby incorporates all prior paragraphs above as if fully set forth herein
18. One or more of the Defendants violated the Truth in Lending Act by provided the Plaintiffs no itemization of amount financed or disclosure where provided informing the Plaintiffs that they are entitled to that disclosure in writing, as required under 12 CFR § 226.18(c).
19. One or more of the Defendants violated the Truth in Lending Act by no early TIL was provided to the Plaintiffs in violation of 12 CFR § 226.17
20. One or more of the Defendants violated the Truth in Lending Act by no proper Final TIL was provided at closing in violation of 12 CFR 226.17 and 18
21. One or more of the Defendants violated the Truth in Lending Act by no preliminary disclosure of Yield Spread Premium (YSP) was provided and that same is a material violation of 12 CFR 226.4(a), 226,17 and 18(d) and (c) (1)
22. The YSP raised the interest rate, completely unknown to the Plaintiffs, since they did not receive a GFE or IOAF
23. The amount financed within the Truth in Lending Settlement Statement (TIL) is overstated by \$2,493.00 and the same is a material violation of 12 CFR 226.17 and 18, See 15 USC § 1602(u)
24. The TIL is ineffective, in violation of 12 CFR 226.17
25. There is a Yield Spread Premium (YSP) in the loan that one or more of the Defendants had with the Plaintiffs that went completely undisclosed by the

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warehouse lender / broker and lender before the closing, contrary to 12 USC §  
2607

**CONVERSION ~ COUNT IV**

26. Plaintiffs hereby incorporates all prior paragraphs above as if fully set forth  
herein
27. One or more of the Defendants have transferred interest they did not have in the  
subject property and / or has attempted to evict and / or cause said property to be  
sold. Thus using said property as though said property was not the property of  
the Plaintiff.
28. One or more of the Defendants have used the said property as though the  
property of the Plaintiff was that of one or more of the Defendants as provided  
herein
29. One or more of the Defendants actions makes it clear that one or more of the  
Defendants have no intent to return said property to the Plaintiff
30. The value of the property converted by one or more of the Defendants is \$is  
greater than \$25,000.00

**COUNT V~ CONVERSION IN VIOLATION OF MCL 600.2919a**

31. Plaintiff hereby incorporates all prior paragraphs above as if fully set forth  
herein.
32. Pursuant to MCL 600.2919a, Plaintiffs are entitled to a Judgment against one or  
more of the Defendants in an amount equal to three times the value of the  
converted property plus cost and attorney fees

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**COUNT VI ~ UNJUST ENRICHMENT**

33. Plaintiff hereby incorporates all prior paragraphs above as if fully set forth herein
34. The violations regarding the YSP indicated in this complaint has created an unjust enrichment for one or more of the Defendants
35. It is wholly unjust for one or more of the Defendants to retain the benefit of the increased interest

**COUNT VII ~ DETRIMENTAL RELIANCE**

36. Plaintiff hereby incorporates all prior paragraphs above as if fully set forth herein
37. The Plaintiffs were promised a 6.425% interest rate by the original mortgage company
38. Plaintiffs relied upon said Defendant's representation that the Plaintiffs would receive a 6.425% interest rate
39. Plaintiff's reliance was based upon said Defendant's representation they would receive a 6.425% interest rate
40. Said Defendant failed to provide the Plaintiffs a 6.425% interest rate
41. Said Defendant then transferred said mortgage with a rate higher than 6.425%

**COUNT VIII ~ INTENTIONAL INFLECTION OF EMOTIONAL STRESS**

42. Plaintiff hereby incorporates all prior paragraphs above as if fully set forth herein

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43. The actions of one or more of the Defendant's to cause the subject property to be transferred to another Defendant has caused a great deal of stress for the Plaintiff's
44. The actions of one or more of the Defendant's conduct have been extreme or outrageous.
45. The actions of one or more of the Defendant's conduct were used to inflict emotional distress on the Plaintiffs.
46. The actions of one or more of the Defendant's were reckless towards the Plaintiff.
47. The actions of one or more of the Defendant's conduct caused extreme emotional distress to the Plaintiffs

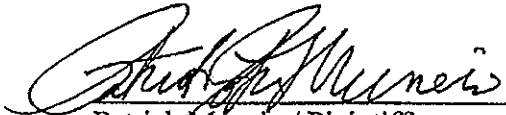
**WHEREFORE**, the Defendants pray that this Court find that the mortgage was void and reverse the sale of the subject property and / or further award the Plaintiffs three times the value of the marital home and all other relief allowed by law.

Respectfully Submitted,

Steven A. Heisler P-58289  
Law Offices of Steven A. Heisler, Esq.  
Attorneys for the Plaintiffs

**VERIFICATION**

The undersigned has read and consulted with his own hired expert and based on the same states he has read and that the allegations above are true to the best of his knowledge and belief

  
Patrick Muneio / Plaintiff

**DATED:** June 29, 2009

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